

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

VICKI TIMPA, *et al.*,

Plaintiffs,

v.

DUSTIN DILLARD, *et al.*,

Defendants.

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Civil Action No. 3:16-CV-03089-N

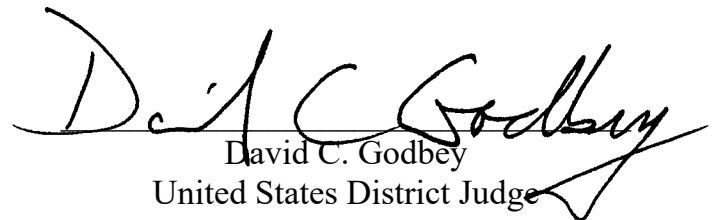
**ORDER**

This Order addresses Plaintiffs’ motion to challenge protective order designations [89]. In an agreed protective order, the following information was designated as confidential: (1) body camera footage from three police officers at the scene of Mr. Timpa’s death; (2) 911 recordings; (3) reports and written statements of the responding police officers and EMS workers; (4) scene photographs; and (5) reports and written and electronically recorded statements from the Internal Affairs Division and Special Investigation Unit regarding the incident. Protective Order, [33]. Plaintiffs argue that there is no longer good cause to maintain the designations. The Court agrees.

When parties agree to a protective order “signed by a judge without an initial showing of good cause and a party later challenges the protections accorded documents . . . the burden of showing good cause is on the party seeking continued confidentiality protection.” *Oncology Tech., L.L.C. v. Elekta, Inc.*, 2013 WL 12169359, at \*5 (W.D. Tex. Feb. 5, 2013). Defendants attempted to support the confidentiality status of the documents based on parallel

criminal prosecutions of the individual police officers involved. But the indictments against those officers were dismissed on March 18, 2019. Thus, the sole theory relied upon by Defendants for maintaining confidentiality no longer exists. Meanwhile, the public has a compelling interest in understanding what truly took place during a fatal exchange between a citizen and law enforcement. For both of those reasons, the Court holds that there is no longer good cause to shield the documents from public scrutiny. The Court therefore grants Plaintiffs' motion. The evidence identified above is no longer confidential and may be used or disseminated for any lawful purpose.

Signed July 29, 2019.

  
David C. Godbey  
United States District Judge